

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Final Office Action dated July 10, 2008.

Claims 23-46 were rejected under 35 U.S.C. §102(a) as being anticipated by Oom (6,738,625). Reconsideration of the rejection is respectfully requested.

Independent claims 23, 31, 32 and 40-46 recite a terminal resource control unit 110 controlling signaling processing independent of the radio transmission scheme and a base station resource control unit 120 controlling user data transfer dependent on a radio transmission scheme. These limitations of independent claims are not disclosed in the cited prior art.

Oom discloses an automatic radio base station (RBS) re-homing from a first radio network controller (RNC) to a second RNC when the first RNC becomes overloaded. As shown in Fig. 1 of Oom, a radio network manager (RNM) 125 is connected to the RNC 115(1). The Examiner believes RNM 125 to be equivalent to the terminal resource controller recited in the independent claims of the present application. However, Oom et al. does not teach, disclose, or even suggest that RNM 125 controls a signaling processing independent of the radio transmission scheme, as required by the amended independent claims. Further, the Examiner believes RNCs 115 of Oom to be equivalent to the Applicant's "base station resource controller." However, Oom et al. does not teach, disclose, or even suggest that RNC 115 controls "a user data transfer dependent on a radio transmission scheme," as required by the independent claims. Therefore, claims 23, 31, 32 and 40-46 are allowable over the cited reference.

Since each of claims 24-30 and 33-39 is directly dependent upon one of independent claims 23 and 32, each of claims 24-30 and 33-39 is allowable for the same reasons recited above with respect to the allowability of the respective one of independent claims 23 and 32.

In view of the foregoing amendments and remarks, allowance of claims 23-46 is respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON OCTOBER 14, 2008

*Anna Vishev*  
Anna Vishev  
Registration No.: 45,018  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700